

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**


CLARENCE BROOKS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-14-0661-HE
)	
GARFIELD COUNTY JAIL, <i>et. al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Clarence Brooks, a state prisoner, brought this action pursuant to 42 U.S.C. § 1983, challenging various actions Garfield County Jail officials. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin, who upon screening the petition, has recommended that the case be dismissed. Having failed to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation [Doc. # 43]; **DISMISSES** with prejudice all claims against Defendant Garfield County Detention Center and Plaintiff's Count I; **DISMISSES** without prejudice Plaintiff's Count II; and **DENIES as moot** Plaintiff's Motion for Summary Judgment [Doc. #40] and Defendant's Motion to Strike Plaintiff's Motion for Summary Judgment [Doc. #42].

IT IS SO ORDERED.

Dated this 16th day of July, 2015.



JOE HEATON
UNITED STATES DISTRICT JUDGE